HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the May 08th , 2006
Short Term Bail Application No. 721 of 2006
IN
First Bail Application No. 327 of 2006
Order on the bail application of the accused.

CRIMINAL SIDE

Shiv Dutt Joshi
S/o Narotam Joshi
R/o Bhagwanpur, Biccalla
Police Station-Haldwani
District Nainital …Applicant

Versus

State of Uttaranchal …Opposite party

Arising out of Case Crime No. 67 of 2006
Under Sections 498A, 304B IPC and ¾ D.P. Act
P.S. Bageshwar
District-Bageshwar

Hon'ble J.C.S. Rawat, J.

Heard Smt. Pushpa Joshi learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. This a short-term bail application. It has been alleged that the applicant-accused is suffering from fever due to 'pus' formation in his leg and he is not getting proper treatment in jail and as such his medical treatment is to be made in a higher institution. The doctor has submitted a report to the Jailer that there is 'pus' in the injury of the applicant and the applicant requires some medical treatment of his leg from the orthopedics. Thereafter, the applicant was permitted to be examined by the district hospital, Almora from where he was sent back to the jail. Sri Padma Dutt, who is the son in law of the applicant, has filed his affidavit stating therein that the applicant's treatment is required for a higher institution and as such he wants to admit him in Shushila Tiwari Hospital, Haldwani for medical treatment. The applicant-accused is wanted in case crime No. 67/2006 under sections 498A, 304B IPC and ¾ D.p. Act.

Considering the nature of the disease and the advise of the Doctor, it would be just and appropriate to direct the S.S.P., Nainital & Almora and the Jail superintendent, Haldwani & Almora to

produce the applicant before the Superintendent of Sushila Tiwari, Forest Hospital, Haldwani within a period of four days so that the treatment of the applicant may be made. Thereafter the applicant will be admitted in the hospital and the accused will remain in custody during that period. The adequate guard and security will be provided to him. The applicant will remain in the hospital and he will not be taken outside the hospital. In case, during his admission Doctor gives an advice that he should be shifted to any better Centre for any treatment in connection with his treatment he will be shifted to the higher center on the written advice of the Doctor/Superintendent of the Hospital. He will be shifted in the police security. No fresh permission is required to be obtained from the court in the case of emergency. The applicant will directly be taken from jail to the Hospital and after discharge from the hospital the applicant will be taken to the jail by the guard. The applicant will be produced before the doctor as and when required. The applicant shall bear the expenses of the treatment as his own cost.

The short term bail application is disposed of accordingly.

(J.C.S. Rawat, J.)

Dated 08.05.2006
LSR